Scott. II-37—50,000—27-10-42.

Home (1942) Department

(7)

Mg SERIES.

G.O. No. 1170

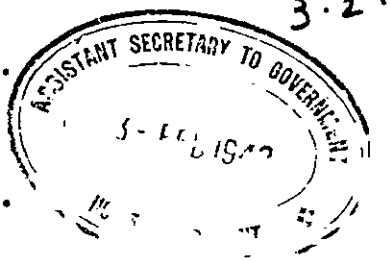
Dated 20-3-1942

[Despatch Abstract.]

0411 C 1

3.2.42

R.O.C.No.272/42-B4.



From

S.P.Thompson Esquire, I.C.S.,
Registrar, High Court, Madras.

To

The Secretary to the Government of Madras,
Home Department (with enclosure).

Dated the 31st January 1942.

Sir,

Madras Judicial Subordinate Service - clerks - approved candidate - K.P.Anandan, clerk, District Court South Kanara - service in the post of typist to count towards probation in the post of clerk - relaxation of the rules - recommended.

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I am directed to forward for the orders of Government a copy of letter No.252 dated 12-1-42 from the District Judge of South Kanara. As K.P.Anandan, the clerk mentioned therein would have acted as a clerk from 19-2-41 to 9-4-41 and from 2-7-41 to 21-11-41 but for his having been a typist and as his appointment as a typist was due to no fault of his, the Hon'ble Judges recommend that he should be allowed to count these periods at least for probation for the category of clerk, even if he cannot be allowed to count the whole period of his service as a typist towards his probation in the category of clerk.

4p2-3 infra

A

B

I have the honour to be,
Sir,
Your most obedient servant,

S. P. Thompson

REGISTRAR.

PP BTR

Copy of letter Dis.No.252 dated 10th January 1942 from the District Judge of South Kanara Mangalore to the Secretary to the Govt. of Madras, Public (Services) Department, Madras through the Registrar, High Court, Madras.

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Subject:-Appointment-Madras Judicial Subordinate Service - clerks etc., - approved candidate Sri K.P.Anandan - service in the post of typist to count towards probation in the post of clerk - relaxation of the rules - requested.

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I have the honour to state that K.P.Anandan who is a candidate selected by the Madras Public Service Commission for the post of lower division clerk in the Judicial Department of this district was first appointed to act as lower division clerk in the District Munsif's Court, Puttur, with effect from 19-8-1940. The post of typist in this Court fell vacant on 5-12-40 by reason of the promotion of the permanent holder thereof as Superintendent of Copyists. The above candidate had passed the typewriting test (lower grade) and was thus qualified for appointment as typist. He was therefore transferred to the post of typist of this court. An amendment to Rule 15 of the Madras Judicial Subordinate Service Rules had been issued in G.O.No.2249/39 Public Services dated 15-12-1939. Under this amendment transfer of a member of a service from the post of typist to that of clerk or vice versa is not permissible unless he has satisfactorily completed the probation in the post in which he was first appointed. This amendment was lost sight of when ordering the above transfer. The Madras Public Service Commission pointed out that the above transfer was not in order as K.P.Anandan was selected only for the post of clerk and suggested that he may be discharged from the post of typist and appointed as clerk. This candidate had acted as typist for about eight months and his work was found satisfactory. So, a request was made to the Commission to delete his name from the list of candidates

selected for the post of clerks and to treat him, as a special case, as one selected for the post of typist in the Judicial Department in this district. The Commission expressed their inability to comply with the request and suggested that the irregularity may be reported to Government for orders with a view to the above candidate's service in the post of typist being counted towards his ~~[illegible]~~ probation in the post of clerk by a relaxation of the rules.

2. The candidate has since been discharged from the post of typist and appointed as clerk with effect from 22-11-1941. He acted in the post of typist continuously from 19-2-1941 to 21-11-1941. If he had not so acted in the post of typist, he would have acted in the post of clerk from 19-2-1941 to 9-4-1941 and from 2-7-1941 to 21-11-1941.

3. I request that the Government may be pleased to condone the irregularity committed and direct that his service in the post of typist may count towards probation in the post of clerk.

PP

1882

HOME DEPT.

C.F. 17.

3/11/3 **DRAFT FOR APPROVAL.**

Date. Initials.

When received for fair copying.	.....	
When copied ...	.....	
When examined...	.....	
When signed ...	.....	
When despatched.	.....	

SUBJECT :—

Public Services - Madras Judicial Subordinate Service - Anandan, Sri K.P. (clerk, dt. court, S. Kanara) - typist Service in the post of ~~xxxxx~~ to count for probation in the post of clerk - Rule ~~xxxxxxx xxxxxx~~ relaxed.

READ AGIAN ....., dated ..... 19.....

" " ..... " ..... 19.....

READ *ALSO* :—

No. ..... From the ....., No. ....., dated ..... 19.....

4144 E 42 " High Court, R.O.C. No. 272-42-B-4 dated 31.1.42. 19.....

" ..... " ..... " ..... " ..... 19.....

Order / Ms. ~~Resolution~~ ~~Rent.~~ No. 1170, dated 20/3/1942

In exercise of the powers conferred by sub-section (5) of section 241 of the Govt. of India Act, 1935, His Excellency the Governor of Madras is hereby pleased to ~~xxx~~ relax ~~sub-rule (b)~~ of rule 15 of the Madras Judicial Subordinate Service Rules ~~xxxxxx

5

Home (E) Department.

C.No.4144 E/42.

From the High Court, Madras R.O.C.No.272/42-B4 d.31.1.42.

Public Service-Madras Judicial Subordinate Service-Anandan, Sri K.P.- Service in the post of typist to count for probation in the post of clerk - relaxation of rules.

Please see the letter of the District Judge, South Kanara on pp.2-3 cf. and the High Court's recommendation on page 1 cf. Under rule 15(b) of the Madras Judicial Subordinate Service Rules, the appointment of Sri Anandan as typist before he had completed his probation as clerk was irregular. If that rule is relaxed (under Sec.21(5) of the G.I. Act) there is no objection to his counting his service as typist for purposes of probation as clerk. It is for orders whether the rule may be relaxed in favour of Sri Anandan and if so, whether the alternative proposal at 'B' on page 1 cf. may be accepted.

Public may see for remarks, before circulation.

5.2.42

19.2.41 to 9.4.41 and 2.7.41 to 21.11.41 are the periods for which he would have acted as clerk if he had not been appointed as Typist. these 2 periods may be allowed to count towards his probn in the Category of clerk

8/2

Yes

ASSISTANT SECRETARY TO GOVT. 11 FEB 1942 CHIEF SECRETARIAT

Home No.4144 E/42-1 10.2.42

07783 11.2.42.

Public (Services) Department.

The proposal at X above may be accepted in this department but the rule to be relaxed in this case is not 15(b) of the Madras Judicial Subordinate Service Rules, as stated by Home. If that rule is relaxed the transfer of the clerk as typist will become regular and there would be no need to revert him as clerk. The rule to be relaxed in this case is rule 8(a)

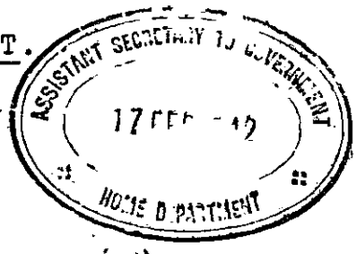
of the General Rules for Subordinate Services. The relaxation will not attract H.E's special responsibility. H.E. need not therefore see the case but A-1 should see it.

The file may be returned to Home.

14/2/42 CS

Public (Secy.) 7783-1
17-2-42.

HOME (E) DEPT.



Sri K.P.Anandan, clerk, District Court, South Kanara was irregularly appointed as typist before he had completed ... probation as clerk.

Under rule 15 (b) of the special rules for the Madras Judicial Subordinate service and under rule 11 (b) of those rules, general rule 8 applies separately to the jurisdiction each District Judge. As the posts of clerk and typists are in the same category - cat.5, class IV - service in one post will count for probation in another, if the appointment is regularly made. In the present case the service of Sri Anandan in the post of typist does not count for probation in the post of clerk not because of general rule 8, but because the appointment as typist was irregular with reference to rule 15(b) of the special rules for the Madras Judl. Subordinate Service. It was therefore suggested in this department's note on page 1 ante. that rule 15(b) of the special rules should be relaxed only for the specific periods. In the circumstances, it is for orders whether the Public department may be requested to re-consider their view expressed in their note above.

20-2-42

Public 3.3.42

Memo No. 4464 E/3
3.3.

3

Public (Services) Department.

The view expressed in the previous note of this department at pp 1-2 ante, viz., that the rule to be relaxed in this case was general rule 8 (a), was based on the mistaken impression that clause (i) of rule 11 (a) of the Madras Judicial Subordinate Service Rules continued to exist. It is since observed that this clause was deleted from the rules by an amendment issued in 1939 which was not carried out in the section copy of the Madras Services Manual, Vol. II. The oversight is regretted. The correct position is that since clerks and typists in mufassal courts belong to the same category (category 5 of class IV) and since the restriction (in clause (i) of rule 11(a)) that every group of posts in any category bearing a distinct designation (e.g., clerks and typists) should be deemed to constitute a separate category is no longer in force, general rule 8 (a) does not stand in the way of the man in question counting his service in the post of typist towards probation in the post of clerk provided that his transfer as typist was regular. The transfer was not regular as it violated the provisions in rule 15 (b) of the Madras Judicial Subordinate Service Rules and this department may agree to this rule being relaxed to regularise his appointment as typist only during the periods specified at X on p 1 ante.

The file may be returned to Home.

The Home Dept's view is correct.

Home

Please see the Public (Ser.) Dept's note above
A draft order is sent for approval.

Home Dept

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Parl. [Issued Gr. No. 1170 House | d. 20.3.42.]